

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: Dairy Farmers Of America, Inc.
Cheese Antitrust Litigation

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)
) Master File No. 1:09-cv-03690
) MDL No. 2031

THIS DOCUMENT RELATES TO:

) Judge Robert M. Dow, Jr.
) Magistrate Judge Maria Valdez

DIRECT PURCHASER ACTION

ORDER

ROBERT M. DOW, JR., District Judge:

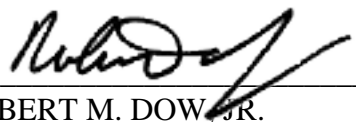
UPON due consideration of Schreiber Foods, Inc.'s Motion for Entry of an Order Declaring Schreiber a Member of the Settlement Class, adequate notice having previously been provided to the proposed Class of Schreiber's request, and good cause appearing,

IT IS HEREBY ORDERED that, as a result of the Court's ruling of August 18, 2014 granting summary judgment in favor of Schreiber Foods, Inc. ("Schreiber") and order of September 12, 2014 entering final judgment in Schreiber's favor pursuant to Federal Rule of Civil Procedure 54(b), Schreiber is no longer a defendant in this action and, pursuant to the notice to the Class dated March 17, 2014, is fully able to participate as a Member of the Class in all distributions to the Class in accordance with the settlement between Direct Purchaser Plaintiffs and Defendants Dairy Farmers of America, Inc., Keller's Creamery, L.P., Gary Hanman, Gerald Bos, Frank Otis, and Glenn Millar ("Settlement"). Notwithstanding references to "Non-Settling Defendants" in the Final Order and Judgment approving the settlement, unless and until the Court's grant of summary judgment in favor of Schreiber is reversed or vacated on

appeal, in whole or in part, no Non-Settling Defendant remains in the case, and the exclusion of Non-Settling Defendants from the Class does not apply to Schreiber.

This order shall not be operative to the extent that it would interfere with Plaintiffs' rights to appeal the Court's order granting summary judgment in favor of Schreiber. Nothing herein shall prejudice the Direct Purchaser Plaintiffs' rights to appeal the Court's order granting summary judgment in favor of Schreiber or is intended to imply that Direct Purchaser Plaintiffs no longer are adverse to Schreiber with respect to their appeal of that order. Should any distribution of monies from the Settlement Fund be made prior to resolution of any such appeal, the Settlement Administrator shall hold in escrow a reserve from the monies paid out to Class Members in an amount equal to Schreiber's share of such distribution. This reserve shall be maintained until the Direct Purchaser Plaintiffs' appeal of the court's order granting summary judgment in favor of Schreiber has been fully and finally resolved. In the event that the Court's grant of summary judgment is upheld on appeal, any such reserve and all interest thereon shall be distributed to Schreiber immediately. In the event that the Court's grant of summary judgment is reversed or vacated on appeal, the Court will reconsider Schreiber's entitlement to participation in the Settlement Class and distribution of monies from the Settlement Fund.

Dated: September 12, 2014



ROBERT M. DOW, JR.
United States District Judge